

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

-----X

ORSURE W. STOKES	)	Case No. _____
20270 Lavender Lane,	)	
Waynesville, MO 65583,	)	
Plaintiff,	)	
against	)	<b><u>COMPLAINT</u></b>
COMPLETE MOBILE DENTISTRY	)	
4300 Duraform Lane,	)	
Windsor, WI 53598,	)	
	)	
CHRISTINE WORMUTH	)	
Secretary of the Army	)	
101 Army Pentagon,	)	
Washington, DC 20310,	)	
Defendants.	)	

JURY TRIAL DEMANDED

-----X

**COMPLAINT**

**PRELIMINARY STATEMENT**

1. The Plaintiff, Orsure W. Stokes ("Dr. Stokes"), brings this action against Complete Mobile Dentistry ("CMD") and Christine Wormuth, Secretary of the Army, (collectively, the "**Defendants**") for violations of Title VII of the Civil Rights Act of 1964 (Title VII) (42 U.S.C. § 2000e).

2. Defendant CMD hired Dr. Stokes on or about 2017 as an endodontist. During his tenure at CMD, Dr. Stokes performed his job duties excellently, without patient or management

complaints. Despite Dr. Stokes' many achievements, Defendant CMD subjected him to race, color, age, and disability discrimination and retaliation. On the 9<sup>th</sup> day of January 2020, after three (3) years of service to CMD, Defendant summarily fired Dr. Stokes claiming that they no longer needed an endodontist.

### **JURISDICTION**

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under Title VII of the Civil Rights Act of 1964 (Title VII) (42 U.S.C. § 2000e).

### **VENUE**

4. Venue is proper in this district under 42 U.S.C. § 2000e-5(f)(3), in that the unlawful employment practice was committed in Missouri.

### **CONDITIONS PRECEDENT**

5. On the 25<sup>th</sup> day of January 2020, Dr. Stokes timely filed charges of race, color, age, disability, and reprisal discrimination and retaliation with the Equal Employment Opportunity Commission (EEOC).

6. On or about the 21<sup>st</sup> day of July 2021, the EEOC issued Dr. Stokes a Notice of Right to Sue, stating the EEOC does not have jurisdiction over Defendant CMD. This Complaint has been filed within 90 days of receipt of that notice. Dr. Stokes has fully complied with all prerequisites to jurisdiction in this Court under Title VII.

7. Contemporaneously with the filing of this Complaint, Dr. Stokes has mailed a copy to the Secretary of the Army, Christine Wormuth, thereby satisfying the notice requirements of Rule 4 FRCP.

### **PARTIES**

8. Dr. Stokes is a man who resides in Waynesville, Missouri. Dr. Stokes is a citizen of United States of America.

9. Dr. Stokes is an employee, as defined by Title VII.

10. Upon information and belief, Defendant is a Wisconsin corporation with corporate headquarters located in Windsor, Wisconsin. Corporate Defendant maintains offices and does business in Windsor. Defendant is an employer as defined by Title VII.

### **FACTS**

11. Dr. Stokes began working for Defendant on or about 2017 as an Endodontist.

12. During his tenure, Dr. Stokes was employed as an endodontist, in which he performed root canals, provided dental exams, and diagnostics to patients.

13. Defendant recognized Dr. Stokes' accomplishments by hiring him as an endodontist as result of his impressive academic accomplishments and advanced endodontic training.

14. On the 10<sup>th</sup> day of January 2021, Defendant marginalized Dr. Stokes by improperly terminating him and terminating his independent contracting agreement.

15. On the 10<sup>th</sup> day of January 2021, Wendy Raymond sent an email to Dr. Stokes notifying him of unlawful termination and termination of his independent contracting agreement stating the reason for termination being that Defendant no longer had a requirement for an endodontist.

16. In addition, Defendant, less than thirty (30) days prior to Dr. Stokes' unlawful termination, posted "Endodontist Jobs (NOW HIRING)" job vacancy to ZipRecruiter (a job search engine), thereby, indicating that Defendant did require an endodontist. (Exhibit 1).

17. As a result of Dr. Stokes' complaint to the Fort Leonard Wood Equal Employment Office, Defendant subjected Dr. Stokes to unlawful retaliation. In particular, Defendant unlawfully terminated his independent contracting agreement.

18. Shortly after Dr. Stokes complained of discrimination, on the 10<sup>th</sup> day of January 2020, Defendant summarily fired Dr. Stokes allegedly because Defendant no longer had a requirement for an endodontist. At the time Defendant fired Dr. Stokes, there were no similarly situated employees who shared the same race, color, age, and disability.

19. Attached hereto as Exhibit 1 is a true and correct copy of Defendant CMD's job posting shortly before unlawfully firing Dr. Stokes.

### **COUNT ONE**

#### **Race, Color, Age, and Disability Discrimination in Violation of Title VII of the Civil Rights**

#### **Act of 1964**

#### **(42 U.S.C. §§ 2000e et al.)**



20. Dr. Stokes repeats and realleges paragraphs 1 through 19 hereof, as if fully set forth herein.

21. Dr. Stokes is an African American, who is Black, at age 67, has tinnitus, and qualified for his position when Defendant fired him.

22. Dr. Stokes suffered damages as a result of Defendant's unlawful discriminatory actions, including emotional distress, past and future lost wages and benefits, and the costs of bringing this action.

23. Defendant intentionally violated Dr. Stokes' rights under Title VII, with malice or reckless indifference, and, as a result, is liable for punitive damages.

## **COUNT TWO**

### **Retaliation in Violation of Title VII of the Civil Rights Act of 1964**

**(42 U.S.C. §§ 2000e et al.)**

24. Dr. Stokes repeats and realleges paragraphs 1 through 23 hereof, as if fully set forth herein.

25. Dr. Stokes engaged in protected activity by complaining to Fort Leonard Wood Equal Employment Office about Defendant's discriminatory treatment based on Dr. Stokes' race, color, age, and disability.

26. After Dr. Stokes complained of race, color, age, and disability discrimination, Defendant summarily fired Dr. Stokes on the 10<sup>th</sup> day of January 2020 allegedly because Defendant no longer had a requirement for an endodontist.

27. Defendant's alleged reason for terminating Dr. Stokes' employment is pretextual and baseless. Defendant fired Dr. Stokes because he complained of race, color, age, and disability discrimination.

28. Dr. Stokes has suffered damages as a result of Defendant's unlawful retaliatory actions, including emotional distress, past and future lost wages and benefits, and the costs of bringing this action.

29. Defendant intentionally violated Dr. Stokes' rights under Title VII, with malice or reckless indifference, and, as a result, is liable for punitive damages.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests judgment as follows:

- A. Accept jurisdiction over this matter;
- B. Award Plaintiff for his past and future loss of wages and benefits, plus interest;
- C. Order Defendant to reinstate Plaintiff to a position comparable to his former position or, in lieu of reinstatement, award him front pay including benefits;
- D. Award to Plaintiff liquidated damages incurred in connection with this action, equal to the sum amount of backpay and interest;
- E. Award to Plaintiff all costs and reasonable attorneys' fees incurred in connection with this action;
- F. Award to Plaintiff compensatory damages;
- G. Award to Plaintiff punitive damages; and
- H. Grant Plaintiff such additional or alternative relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury on all claims properly triable by a jury.

Dated: 19 October 2021

Waynesville, Missouri

Respectfully submitted,

13/ Mark C. Prugh

**MARK C. PRUGH**

Attorney at Law, MO #53474

328 Historic Route 66 East

Waynesville, Missouri 65583

(573) 774-6444/ FAX (573) 774-2227

**ATTORNEY FOR PLAINTIFF**